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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 HUGH L. STEWART,

11 Plaintiff,

No. CIV S-03-0469 FCD KJM P

12 vs.

13 BAXTER DUNN, et al.,

ORDER

14 Defendants.
15 _____/

16 Plaintiff, a civil detainee prisoner proceeding pro se, has filed this civil rights
17 action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On March 3, 2009, the magistrate judge filed findings and recommendations
20 herein which were served on all parties and which contained notice to all parties that any
21 objections to the findings and recommendations were to be filed within twenty days. Neither
22 party has filed objections to the findings and recommendations.

23 The court has reviewed the file and finds the findings and recommendations to be
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
25 ORDERED that:

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1 1. The findings and recommendations filed March 3, 2009, are adopted in full.

2 2. Defendants' motion for summary judgment is granted and denied as follows:

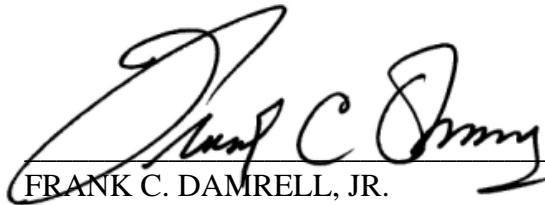
3 A. Denied with respect to defendants' motion regarding plaintiff's claims
4 against defendant Franks;

5 B. Granted with respect to plaintiff's claims against defendant Dunn,
6 resulting in defendant Dunn being dismissed from this action; and

7 C. Granted with respect to plaintiff's claims against defendant Acayan,
8 resulting in defendant Acayan being dismissed from this action.

9 3. Plaintiff is ordered to file his pretrial statement within twenty days, and
10 defendant Franks is ordered to file his pretrial statement within twenty days of service of
11 plaintiff's statement.

12 DATED: April 2, 2009.

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15 FRANK C. DAMRELL, JR.
16 UNITED STATES DISTRICT JUDGE
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